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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,282	12/12/2001	Michael Wayne Brown	AUS920010822US1	7035
34533	7590	05/04/2005	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION c/o BIGGERS & OHANIAN, LLP 504 LAVACA STREET, SUITE 970 AUSTIN, TX 78701-2856			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,282

Applicant(s)

BROWN ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Examiner acknowledges election of claims 17-31 for examination in the Election filed on 3-25-2005.
2. Applicant did not indicate the Election of claims 17-31, with or without traverse, and Applicant did not cancel claims 1-16 and 32-59. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 23 recites the limitation "said caller" and "said external service". There is insufficient antecedent basis for these limitations in this claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,804,224 by Schuster et al, hereinafter Schuster in view of U.S. Patent No. 6,735,287 by Vishik et al, hereinafter Vishik.

Regarding claim 17, Schuster discloses a method for specifying telephone services for a particular callee or User A, comprising: detecting a call receipt condition to a destination device (User A; Fig. 2, 20a) at a trusted telephone network (telephone network with minimal security) (col. 4, lines 47-53; col. 9, lines 1-5); brokering a connection between said destination device and

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an external server or telephone service database (Fig. 1, 60) (col. 5, lines 19-45), enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity (see Abstract; col. 7, lines 27-64; col. 9, line 15 – col. 10, line 54).

Schuster does not disclose detecting a call receipt condition from a destination device.

Vishik discloses a method for specifying telephone services for a particular callee or user (wherein the user is a called party) (Fig. 1, 10), comprising: detecting a call receipt condition from a destination device or communication device (Fig. 1, 23) at a trusted telephone network (telephone network with minimal security), wherein the communication device receives a phone call and the user is a called party on a wireline phone; enabled to perform a callee identity authentication service via a presence device (Fig. 1, 24); and responsive to receiving, from said presence device, an authenticated callee identity of a callee utilizing said destination device; brokering a connection between said destination device and an external server or Web service (Fig. 1, 32) (see Abstract; col. 3, lines 20-50; col. 3, line 66 – col. 4, line 30); specifying services available to said callee according to said authenticated callee identity (col. 2, lines 8-23; col. 5, line 3-25; col. 5, line 66 – col. 6, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Schuster to include detecting a call receipt condition from a destination device as taught by Vishik. One of ordinary skill in the art would have been lead to make such a modification since a callee identity is authenticated when an incoming call is placed to a destination device and the call is established between a calling party and the called party.

Regarding claim 18, the method for specifying telephone services according to claim 17 mentioned above, wherein Schuster further discloses said server or telephone service database (Fig. 2, 60) is accessible via a network or data network service provider (see Fig. 2, 50A) outside said trusted telephone network (col. 5, lines 19-45).

Regarding claim 19, the method for specifying telephone services according to claim 17 mentioned above, wherein Schuster further discloses retrieving a callee profile or account for said authenticated callee identity; and specifying a selection of services from among a plurality of services that are offered for said call according to said callee profile (col. 5, lines 19-45).

Regarding claim 20, the method for specifying telephone services according to claim 17 mentioned above, wherein Vishik further discloses said authenticated callee identity is inherently authenticated by a voice utterance of said callee (col. 3, lines 29-50; col. 3, line 66 – col. 4, line 10).

Regarding claim 21, the method for specifying telephone services according to claim 17 mentioned above, wherein Schuster further discloses brokering a connection further comprises: transmitting a request for said callee via a signal gateway (Fig. 2, 35a) to a network for accessing said external server (Fig. 2, 60); responsive to receiving access to said callee, transferring said call to said external server (Fig. 2, 60); and receiving said authenticated callee identity via a signal gateway (Fig. 2, 25b) at said trusted telephone network, wherein a call is established between a calling party and the called party (col. 7, lines 27-64; col. 8, lines 29-38; col. 9, lines 1-5; col. 9, lines 15-50).

Schuster does not disclose a voice utterance.

Vishik further discloses brokering a connection further comprises: transmitting a request for said callee identity authentication service; responsive to receiving access to said callee identity authentication service; transferring a prompt for a voice utterance (col. 1, line 61 – col. 2, line 7; col. 3, line 66 – col. 4, line 10) via a presence device; transferring a voice utterance by said callee through a telecommunication network or media gateway to a node (Fig. 1, 26); and receiving said authenticated callee identity at said external server on said node (col. 2, lines 24-44; col. 4, line 64 – col. 5, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Schuster to include a voice utterance as taught by Vishik. One of ordinary skill in the art would have been lead to make such a modification since a callee identity is authenticated utilizing voice utterance.

Regarding claim 22, the method for specifying telephone services according to claim 17 mentioned above, wherein Vishik further discloses brokering a connection further comprises: brokering a secure connection between said trusted telephone network and said external server (col. 4, line 64 – col. 5, line 2).

Regarding claim 23, the method for specifying telephone services according to claim 17 mentioned above, wherein Schuster further discloses brokering a connection between an origin device accessible to a caller (User B; Fig. 2, 30a) and said external server via an ISP host (Fig. 2, 50a) (col. 7, lines 27-50)

Schuster does not disclose said caller is enabled to listen to authentication of said callee identity (col. 5, line 51 – col. 7, line 41).

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Vishik further discloses brokering a connection between an origin device accessible to a caller or calling party and said presence device such that said caller is enabled to listen to authentication of said callee identity (col. 3, line 66 – col. 4, line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Schuster to include said caller is enabled to listen to authentication of said callee identity as taught by Vishik. One of ordinary skill in the art would have been lead to make such a modification since callee authentication occurs when a call is established and the callee starts speaking.

Regarding claims 24-30, please refer to the method mentioned in claims 17-23 to justify the system in claims 24-30, respectively.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vishik in view of Schuster.

Regarding claim 31, Vishik discloses a computer program product inherently for specifying telephone services for a particular callee or user (wherein the user is a called party) (Fig. 1, 10), comprising: a recording medium or presence device (Fig. 1, 24); means, recorded on said recording medium, for detecting a call receipt condition from a destination device or communication device (Fig. 1, 23) at a trusted telephone network (telephone network with minimal security); means, recorded on said recording medium, for brokering a connection between said destination and an external server; means, recorded on said recording medium, for specifying a presence available to said callee according to an authenticated callee identity received from said presence device; and means, from said external server or Web service (Fig. 1, 32) to determine where services should be routed, for specifying services available to said callee

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according to an authenticated callee identity received from said presence device (see Abstract; col. 2, lines 8-23; col. 3, lines 20-50; col. 3, line 66 – col. 4, line 30; col. 5, line 3-25; col. 5, line 66 – col. 6, line 5).

Vishik does not disclose an external server enabled to perform a callee identity authentication service.

Schuster discloses a method for specifying telephone services for a particular callee or User A, comprising: detecting a call receipt condition to a destination device (User A; Fig. 2, 20a) at a trusted telephone network (telephone network with minimal security) (col. 4, lines 47-53; col. 9, lines 1-5); brokering a connection between said destination device and an external server or telephone service database (Fig. 1, 60) (col. 5, lines 19-45), enabled to perform a callee identity authentication service; and responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity (see Abstract; col. 7, lines 27-64; col. 9, line 15 – col. 10, line 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Vishik to include an external server enabled to perform a callee identity authentication service as taught by Schuster. One of ordinary skill in the art would have been lead to make such a modification since callee authentication occurs external to the trusted telephone network.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,678,359 by Gallick discloses providing a calling party the identity of a called party answering a call, wherein a called party is identified by voice utterance when the call is established
- U.S. Patent Application No. 2003/0059007 by Beyda discloses a system comprising: a calling party identity is authenticated via a calling party identification unit; wherein the user is external to the system

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

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April 18, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600